



18 U.S.C. § 2423(a)	Transporting a person under 18 with intent that the person engage in prostitution or any sexual activity for which any person can be charged with a criminal offense	10 yrs-Life
18 U.S.C. § 2223(b)	Traveling for the purpose of engaging in any illicit sexual conduct with another person	0 yrs-30 yrs
18 U.S.C. § 2425	Transmitting information about a person under 16 with the intent to entice, encourage, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense	0 yrs-5 yrs
18 U.S.C. §3509 (m)	Prohibits the Court from allowing reproduction of any property or material that constitutes child pornography	

THIS IS A TRAINING AID AND IS NOT INTENDED TO BE AN EXHAUSTIVE LIST OF ALL FEDERAL CHILD EXPLOITATION PROVISIONS. FOR MORE CASE SPECIFIC INFORMATION, PLEASE SEEK THE GUIDANCE OF AN ASSISTANT UNITED STATES ATTORNEY IN OUR OFFICE.

**C** rime **i**s defined in 18 U.S.C. 3771 as a person directly and proximately harmed as a result of a commssion of a Federal offense or an offense in the District of Columbia. **V** ictim **i**f the victim is under the age of 18, a family member or legal guardian may excise the victims rights, but in no event shall the accused serve as guardian or representative for this purpose. Victims as defined in this statute are entitled to the following rights:

- The right to be reasonably protected from the accused.
- The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
- The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
- The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.
- The reasonable right to confer with the attorney for the Government in the case.

## PRIVACY PROTECTIONS FOR CHILD VICTIMS AND WITNESSES

- It is imperative when working these cases that privacy issues be considered. All documents, photos or identifying information should be kept in a secure place and should be disclosed or discussed only with those persons who by reason of their participation in the proceedings have need to know the information.
- Any documents filed in court that disclose the name of or other information concerning a child should be filed under seal.
- Protective orders should be sought when necessary to protect the privacy of the child.
- A knowing or intentional violation of a child's privacy protection is subject to sanctions including imprisonment and/or a fine.

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[www.kentuckystatepolice.org/kicactf/icactf\\_index.htm](http://www.kentuckystatepolice.org/kicactf/icactf_index.htm)

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## Project Safe Childhood



U. S. Department of Justice



## Protecting Children From Online Exploitation and Abuse

All states have laws in place to respond to child exploitation and abuse. Those laws certainly should be used when appropriate. However, there can be a real benefit in using federal jurisdiction, when appropriate to deal with certain types of child exploitation cases. This can be done independent of or in conjunction with state prosecutions. Some advantages to consider are:

### Federal Statutes Governing Child Pornography and Enticement Crimes

- 18 U.S.C. § 3486 provides for administrative subpoena power in child exploitation cases. This is typically more expansive than what is available under state law.
- All relevant child exploitation offenses are felonies and many provide for significant mandatory-minimum sentences.
- It is often easier to prosecute a pornography case than a sexual molestation case. Pictures are much more difficult for a suspect to dispute in court than testimony. If the photographic evidence is strong enough, a plea agreement might be reached and the victim may not have to recount painful, difficult and revealing information on the witness stand.

Section	Prohibits	Mandatory Minimum/Max Penalties
18 U.S.C. § 2251(a)	Employing, using, or enticing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct	15 yrs-30 yrs 1st offense
18 U.S.C. § 2251(b)	Parent or guardian permitting a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct	25 yrs-50 yrs 2nd offense
18 U.S.C. § 2251(c)	Employing, using, or enticing a minor to engage in sexually explicit conduct outside the U.S. to produce a visual depiction of that conduct for the purpose of transporting it to the U.S.	35 yrs–Life 3rd offense
18 U.S.C. § 2251(d)	Advertising to receive, trade, buy, or distribute a visual depiction of a minor engaging in sexually explicit conduct or to participate in any act of sexually explicit conduct with a minor for the purpose of producing a visual depiction of that conduct	30yrs– Life
18 U.S.C. § 2251A(a)	Parent or guardian selling or transferring custody of a minor knowing or intending that the minor will be portrayed in a visual depiction of sexually explicit conduct or offering to do so	5 yrs-20 yrs 1st offense
18 U.S.C. § 2251A(b)	Purchasing or obtaining custody of a minor, knowing or intending that the minor will be portrayed in a visual depiction of sexually explicit conduct, or offering to do so	15 yrs-40 yrs 2nd offense
18 U.S.C. § 2252(a) (1)	Transporting a visual depiction of a minor engaging in sexually explicit conduct	0 yrs– 10 yrs 1st offense
18 U.S.C. § 2252(a) (2)	Receiving or distributing a visual depiction of a minor engaging in sexually explicit conduct	10yrs-20 yrs 2nd offense
18 U.S.C. § 2252(a) (3)	Selling or possessing with the intent to sell, a visual depiction of a minor engaging in sexually explicit conduct	5 yrs-20 yrs 1st offense
18 U.S.C. § 2252(a) (4)	Possessing a visual depiction of a minor engaging in sexually explicit conduct	15 yrs-40 yrs 2nd offense
18 U.S.C. § 2252A(a)(5)	Possessing child pornography	0 yrs– 10 yrs 1st offense
18 U.S.C. § 2252A(a)(1)	Transporting child pornography	0 yrs-20 yrs 2nd offense
18 U.S.C. § 2252A(a)(2)	Receiving or distributing child pornography	5 yrs-20 yrs 1st offense
18 U.S.C. § 2252A(a)(3)	Reproducing child pornography for distribution, or advertising material as an obscene visual depiction of a minor engaging in sexually explicit conduct or as a visual depiction engaging in sexually explicit conduct	15 yrs-40 yrs 2nd offense
18 U.S.C. § 2252A(a)(4)	Selling, or possessing with intent to sell, child pornography	
18 U.S.C. § 2252(a)(6)	Distributing child pornography to a minor for the purpose of persuading a minor to engage in illegal activity	
18 U.S.C. § 2260(a)	Employing or using a minor to engage in sexually explicit conduct outside the U.S. for the purpose of producing a visual depiction of that conduct to be imported into the United States, or the transportation of a minor with the intent to create such a visual depiction	0 yrs– 10 yrs 1st offense
18 U.S.C. § 2260(b)	Receiving, transporting, or distributing a visual depiction of a minor outside the U.S. intending that it be imported into the U.S.	0 yrs-20 yrs 2nd offense
18 U.S.C. § 2422(a)	Persuading, inducing, enticing, or coercing any person to travel to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense	0 yrs-20 yrs
18 U.S.C. § 2422(b)	Persuading, inducing, enticing, or coercing any person under 18 to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense.	10 yrs-life

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